

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

BALWINDER SINGH,

Plaintiff,

v.

IKEA DISTRIBUTION SERVICES, INC.,

Defendants.

No. 1:20-cv-0975-NONE-JLT

ORDER ADOPTING IN FULL THE  
FINDINGS AND RECOMMENDATIONS  
GRANTING DEFENDANT'S MOTION TO  
DISMISS

(Doc. Nos. 6, 20)

IKEA Distribution Services, Inc. has moved to dismiss several of plaintiff's causes of action pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (*See* Doc. No. 6.) The assigned magistrate judge found the facts alleged were not sufficient to state cognizable claims for retaliation in violation of California Labor Code § 1102.5, wrongful termination in violation of public policy, and intentional infliction of emotional distress. (Doc. No. 20 at 5-11.) Therefore, the magistrate judge recommended that defendants' motion to dismiss be granted, but that plaintiff also be granted leave to amend the complaint to attempt to cure the noted deficiencies. (*Id.* at 12.)

The parties were given fourteen days to file any objections to the recommendations. (Doc. No. 20 at 16.) The parties were "advised that failure to file objections within the specified time may waive the right to appeal the District Court's order." (*Id.* at 13, citing *Martinez v. Ylst*,

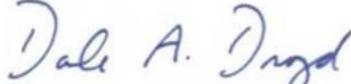
1 951 F.2d 1153 (9th Cir. 1991); *Wilkerson v. Wheeler*, 772 F.3d 834, 834 (9th Cir. 2014)). To  
2 date, no objections have been filed by either party.

3 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C) and *Britt v. Simi Valley*  
4 *United School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), this court conducted a *de novo* review of  
5 the case. Having carefully reviewed the file, the court finds the findings and recommendations  
6 are supported by the record and proper analysis. Accordingly,

- 7 1. The findings and recommendations dated May 12, 2021 (Doc. No. 20) are adopted  
8 in full;
- 9 2. Defendant's motion to dismiss (Doc. No. 6) is granted; and
- 10 3. Plaintiff's first amended complaint, which was prematurely docketed on June 11,  
11 2021, (Doc. No. 21), shall be deemed filed as of the date of entry of this order;
- 12 4. Defendant's response to the first amended complaint shall be due 21 days after the  
13 date of entry of this order.

14 IT IS SO ORDERED.

15 Dated: June 15, 2021

  
16 UNITED STATES DISTRICT JUDGE

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28